

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA *ex rel.*  
MIKE D. HENIG and HENIG FURS, INC.,

Plaintiff,

v.

AMAZON, INC., *et al.*,

Defendants.

19 Civ. 5673 (ER)

**UNDER SEAL**

**THE GOVERNMENT’S NOTICE OF DECISION TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States of America (the “Government” or the “United States”), by its undersigned attorney, hereby respectfully notifies the Court of its decision not to intervene in the above-referenced *qui tam* action.

Although the United States declines to intervene in this action, the United States respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relators to maintain their action in the name of the United States, provided, however, that the complaint “may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States respectfully requests that in the event that the relators seek to dismiss, settle, or otherwise discontinue this action, the Court shall require the relators to solicit the written consent of the Government before applying for Court approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings and briefs filed in this matter be served upon the United States. The United States also requests that the Court direct the relators’ counsel to serve on the United States any orders issued

by the Court. The United States reserves its right to order the transcript of any depositions taken with respect to the allegations in the relators' complaint. The United States also reserves its right to intervene with respect to the allegations in the relators' complaint, for good cause, at a later date, and to seek the dismissal of the relators' action under 31 U.S.C. § 3730(e)(4).

The United States also requests that it be served with any notices of appeal.

A proposed order accompanies this notice.

Dated: New York, New York  
September 8, 2023

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: /s/Dana Walsh Kumar  
DANA WALSH KUMAR  
ANTHONY J. SUN  
Assistant United States Attorneys  
86 Chambers St., 3rd Floor  
New York, New York 10007  
(212) 637-2741/2810  
dana.walsh.kumar@usdoj.gov  
anthony.sun@usdoj.gov